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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

PAPER NUMBER

2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/924,669

Applicant(s)

KELLY L. DEMPSKI

Examiner

Sumaiya A. Chowdhury

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10,11,13-15,17-20,37,38,40 and 42-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10-11,13-15,17-20,37-38,40,42-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/13/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 4-8, 10-11, 13-15, 17-20, 37-38, 40, and 42-52 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues "The final Office Action..." on page 11, 1st paragraph of the Remarks files 8/13/07.

However, the newly applied reference, Alexander discloses developing a viewer profile based on interaction with an advertisement. Alexander goes on to teach that it would have been desirable to develop a viewer profile based on interaction with an advertisement in order to tailor the presentation and scheduling of advertisements to the viewer.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 11, 13-14, 19-20, 37, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama (CA 2387386) in view of Reynolds (7020888), Blacketter (7159232) and Alexander (6177931).

Considering claims 1, Akiyama discloses a method for enhancing a television broadcast program comprising:

receiving a signal, the signal comprising a television broadcast program (TV program) and a television broadcast advertisement for display during a break in the television broadcast program; – p. 20, lines 5-15, col. 19, lines 8-12;

receiving replacement advertising data (replacement information 60, 61 – Fig. 6) from a first memory storage (11 – Fig. 6, p. 21, lines 20-24), the advertising data representing an instruction set for rendering into a video replacement advertising segment (60, 61 – Fig. 6) by a client processor (52, 54 – Fig. 6); (p. 21, lines 14-20);

selecting the replacement advertising segment based on a viewer profile (S33 – Fig. 13, p. 21, lines 11-13 & p. 26, lines 18-22)

rendering on the client processor (52, 54 – Fig. 6) the replacement advertising segment – p. 19, lines 17-27, p. 21, lines 16-20;

blocking the display of the television broadcast advertisement (commercial), such that the television broadcast advertisement is not displayed –

p. 19, lines 9-11, p. 20, lines 12-13;

displaying the replacement advertising segment instead of the television broadcast advertisement on a television display – p. 19, lines 9-11, p. 20, lines 12-13, p. 28, lines 1-3; and

determining whether the television broadcast program has resumed after end of the television broadcast advertisement, determining whether the replacement advertising segment has ended (When finishing the readout of the commercial, the selective display process sets the switcher back to the original state, and sends the content from the tuner to the decoder. Hence, when it is determined the commercial is over, the receiver switches to the TV program. – p. 27, lines 1-10, lines 15-25; fig. 12 & 15),

displaying the resumed television broadcast program after completion of the replacement advertising segment – (S37 & S38 – Fig. 13, p. 27, lines 6-10).

However, Akiyama fails to teach:

animated video content and data comprising an executable instruction set for rendering an animated video;

and if the replacement advertising segment has not ended, storing the resumed television broadcast program on a storage device from a beginning point and displaying the resumed broadcast program from the beginning point;

developing the viewer profile based on viewer interaction with the an advertising segment;

In an analogous art, Reynolds teaches animated video content (col. 12, lines 8-11, also see col. 5, Example Two, - "**Executable code** that instructs consumer device to show an **animated view** of the current hole in play on 102.2A"). Reynolds additionally teaches data comprising an executable instruction set for rendering animated video - (col. 11, line 57 – col. 12, line 2, col. 4, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama's invention to include animated video content and data comprising an executable instruction set for rendering an animated video, as taught by Reynolds, for the advantage of providing content on the television which allows the user to interact with.

However, Akiyama and Reynolds fails to teach:

if the replacement advertising segment has not ended, storing the resumed television broadcast program on a storage device from a beginning point and displaying the resumed broadcast program from the beginning point;

developing the viewer profile based on viewer interaction with an advertising segment;

In analogous art, Blackketter teaches an interactive session during an advertisement (col. 8-9, ll. 67-6), determining whether the interactive session is still in progress when the television program resumes (col. 9, ll. 15-18), and if the session is still active, then recording the program so that when the session is completed the receiver will continue playback (col. 9, ll. 25-30). As such, Blackketter teaches determining whether the television broadcast program has resumed after the end of the television broadcast advertisement, determining whether the replacement advertising segment has ended, and if the segment has not ended, then storing the resumed television broadcast program on a storage device from a beginning point, and displaying the resumed broadcast program from the beginning point.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama and Reynolds' invention to include the above mentioned limitation, as taught by Blackketter, for the well known advantage that the user does not miss out on any programming.

However, Akiyama, Reynolds and Blackketter fail to teach:

developing the viewer profile based on viewer interaction with an advertising segment;

In an analogous art, Alexander teaches a viewer's profile is developed based on the viewer's interaction with advertisements. These interactions include general interest in product advertisements, and interest in accessing additional levels of information concerning product advertisements – col. 28, lines 29-32, col. 30, lines 17-30.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds and Blackketter's invention to include the above mentioned limitation, as taught by Alexander, for the advantage of tailoring the presentation and scheduling of advertisements to the viewer.

Considering claim 4, Akiyama, Reynolds, Blackketter, and Alexander disclose the method further comprising creating the viewer profile (individual profile 62 – Fig. 6) based on a set of preferences selected by the viewer (In particular, Akiyama discloses that the hard disk memory (11) includes an individual profile (62) inputted beforehand by the viewer - p. 21, lines 3-4).

Considering claim 11, Akiyama discloses a method for enhancing a television broadcast program comprising:

receiving programming data representing synchronization data for a plurality of sequential program segments in a television broadcast programs (Fig. 8, p. 22, lines 7-19);

receiving information related to a plurality of replacement program segments (replacement information 60, 61 – Fig. 6, p. 21, lines 14-20);

selecting a desired replacement segment based on a viewer profile(S33 – Fig. 13, paragraph p. 21, lines 11-13 & p. 26, lines 18-22)

synchronizing the replacement segment with one of said plurality of television broadcast segments (Fig. 8, p. 22, lines 7-19);

receiving the selected replacement segments (60, 61 – Fig. 6, p. 21, lines 14-20);

determining whether a next sequential program segment in the television broadcast program has commenced after end of the blocked television broadcast segment, determining whether the selected replacement segment has ended (When finishing the readout of the commercial, the selective display process sets the switcher back to the original state, and sends the content from the tuner to the decoder. Hence, when it is determined the commercial is over, the receiver switches to the TV program. – p. 27, lines 1-10, lines 15-25; fig. 12 and 15), blocking the display of the television broadcast segment (p. 19, lines 9-11, p. 20, lines 12-13); and

displaying the selected replacement segment on a television display in place of the synchronized television broadcast segment (p. 19, lines 9-11, p. 20, lines 12-13; p. 28, lines 1-3).

However, Akiyama fails to teach:

executable instructions sets for generating data, and rendering on a local processor the data by executing the executable instruction sets.

if the selected replacement segment has not ended, storing the next sequential program segment on a storage device from a beginning point, and displaying the next sequential segment from the beginning point after the selected replacement segment has ended;

developing the viewer profile based on viewer interaction with an advertising segment;

In an analogous art, Reynolds additionally teaches data comprising an executable instruction set for rendering animated video is processed by a local processor (210, 212, 214 – Fig. 2) [col. 11, line 57 – col. 12, line 2, col. 4, lines 23-26, col. 12, lines 8-11, also see col. 5, Example Two, - “**Executable code** that instructs consumer device to show an **animated view** of the current hole in play on 102.2A”]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama's invention to include animated video content and data comprising an executable instruction set for rendering an animated video, as taught by Reynolds, for the advantage of providing content on the television which allows the user to interact with.

However, Akiyama and Reynolds fail to teach:

if the selected replacement segment has not ended, storing the next sequential program segment on a storage device from a beginning point, and displaying the next sequential segment from the beginning point after the selected replacement segment has ended;

developing the viewer profile based on viewer interaction with an advertising segment;

In analogous art, Blackketter teaches an interactive session during an advertisement (col. 8-9, ll. 67-6), determining whether the interactive session is still in progress when the television program resumes (col. 9, ll. 15-18), and if the session is

still active, then recording the program so that when the session is completed the receiver will continue playback (col. 9, ll. 25-30). As such, Blackketter teaches determining whether the television broadcast program has resumed after the end of the television broadcast advertisement, determining whether the replacement advertising segment has ended, and if the segment has not ended, then storing the resumed television broadcast program on a storage device from a beginning point, and displaying the resumed broadcast program from the beginning point.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama and Reynolds' invention to include the above mentioned limitation, as taught by Blackketter, for the well known advantage that the user does not miss out on any programming.

However, Akiyama, Reynolds and Blackketter fail to teach:

developing the viewer profile based on viewer interaction with an advertising segment;

In an analogous art, Alexander teaches a viewer's profile is developed based on the viewer's interaction with advertisements. These interactions include general interest in product advertisements, and interest in accessing additional levels of information concerning product advertisements – col. 28, lines 29-32, col. 30, lines 17-30.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds and Blackketter's invention to include the above mentioned limitation, as taught by Alexander, for the advantage of tailoring the presentation and scheduling of advertisements to the viewer.

As for claim 13, Akiyama, Reynolds, Blackketter, and Alexander teach developing the viewer profile based on past selections of replacement segments. In particular, Alexander teaches the user can select advertisements to view – col. 31, lines 22-24. The viewer profile is developed based on the viewer's interactions with the television – col. 29, lines 13-16..

Considering claim 14, Akiyama, Reynolds, Blackketter, and Alexander teach the claimed limitations. In particular, Akiyama discloses the method further comprising developing the viewer profile (individual profile 62 – Fig. 6) based on a set of preferences selected by the viewer (Akiyama discloses that the hard disk memory (11) includes an individual profile (62) inputted beforehand by the viewer - p. 21, lines 3-4).

Considering claim 19, Akiyama, Reynolds, Blackketter, and Alexander disclose the claimed limitations. In particular, Akiyama discloses a method wherein the programming data (synchronizing data) is received from data encoded with television broadcast program (The TV programs are received through digital waves which are sent to the decoder (56) in the TV receiver – p.20, lines 5-10. The synchronizing data is also received through digital waves by the TV receiver – p.22, lines 7-9. Therefore, the programming data is encoded with the TV broadcast program).

Considering claim 20, Akiyama, Reynolds, Blackketter, and Alexander disclose the claimed limitations. In particular, Akiyama discloses a method wherein the data representing the selected replacement segments comprise geometry and texture data for use with the executable instructions sets for rendering an animated video segment by a client processor (p. 15, lines 7-12, p. 18, lines 23-26, p. 19, lines 17-18, p. 20, lines 5-8, p. 22, lines 7-8, p. 28, lines 7-9).

Considering claim 37, Akiyama discloses a system for displaying enhanced television broadcast programs comprising:

- a multimedia controller (receiver – Fig. 6) having:

- a first memory storage (62 – Fig. 6) for storing viewer profiles (p. 21, lines 3-4)

- a television broadcast signal tuner receiver (51 - Fig. 6),

- a communication port (51 – Fig. 6) in communication with external sources (satellite) of replacement advertising data (p. 12, lines 2-6), a replacement advertisement being selected based on a viewer profile stored in the first memory storage (S33 – fig. 13, p. 21, lines 11-13, p. 26, lines 18-22),

- a second memory storage (hard disk memory 11) for storing a television broadcast signal (p. 17, lines 1-7), the television broadcast signal comprising a television broadcast program and a television broadcast advertisement for display during a break in the television broadcast program (p. 17, lines 9-25),

a third memory storage (61 – Fig. 6) for storing the replacement advertising data (p. 21, lines 14-24), and

a processor (54 – Fig. 6) capable of rendering the video replacement advertising segment and further capable of blocking the display of the television broadcast advertisement, such that the television broadcast advertisement is not displayed (p. 19, lines 9-11, p. 20, lines 12-13);

a video display monitor (monitor - Fig. 6) in communication with the multimedia controller, the video display monitor configured to display the television broadcast program and the video replacement advertising segment during a break in the television broadcast program (p. 19, lines 9-11, p. 20, lines 12-13); and

a manual input device (13 – Fig. 1) in communication with the multimedia controller – col. 13, lines 20-23;

wherein the multimedia controller is further operative to determine whether the television broadcast program has resumed after the end of the television broadcast advertisement, to determine whether the replacement advertising segment has ended (When finishing the readout of the commercial, the selective display process sets the switcher back to the original state, and sends the content from the tuner to the decoder. Hence, when it is determined the commercial is over, the receiver switches to the TV program. – p. 27, lines 1-10, lines 15-25; fig. 12 and 15),

However, Akiyama fails to teach:

content comprising executable instruction sets and animated video content.

and if the replacement advertising segment has not ended, to store the resumed television broadcast program on the first memory storage from a beginning point, and to display the resumed broadcast program from the beginning point.

developing the viewer profile based on viewer interaction with the animated video replacement advertising segment;

In an analogous art, Reynolds additionally teaches data comprising an executable instruction set for rendering animated video is processed by a local processor (210, 212, 214 – Fig. 2) [col. 11, line 57 – col. 12, line 2, col. 4, lines 23-26, col. 12, lines 8-11, also see col. 5, Example Two, - “**Executable code** that instructs consumer device to show an **animated view** of the current hole in play on 102.2A”]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama's invention to include animated video content and data comprising an executable instruction set for rendering an animated video, as taught by Reynolds, for the advantage of providing content on the television which allows the user to interact with.

However, Akiyama and Reynolds fails to teach:

if the replacement advertising segment has not ended, to store the resumed television broadcast program on the first memory storage from a beginning point, and to display the resumed broadcast program from the beginning point.

developing the viewer profile based on viewer interaction with the animated video replacement advertising segment;

In analogous art, Blackketter teaches an interactive session during an advertisement (col. 8-9, ll. 67-6), determining whether the interactive session is still in progress when the television program resumes (col. 9, ll. 15-18), and if the session is still active, then recording the program so that when the session is completed the receiver will continue playback (col. 9, ll. 25-30). As such, Blackketter teaches determining whether the television broadcast program has resumed after the end of the television broadcast advertisement, determining whether the replacement advertising segment has ended, and if the segment has not ended, then storing the resumed television broadcast program on a storage device from a beginning point, and displaying the resumed broadcast program from the beginning point.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama and Reynolds' invention to include the above mentioned limitation, as taught by Blackketter, for the well known advantage that the user does not miss out on any programming.

However, Akiyama, Reynolds and Blackketter fail to teach:

developing the viewer profile based on viewer interaction with an advertising segment;

In an analogous art, Alexander teaches a viewer's profile is developed based on the viewer's interaction with advertisements. These interactions include general interest in product advertisements, and interest in accessing additional levels of information concerning product advertisements – col. 28, lines 29-32, col. 30, lines 17-30.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds and Blackketter's invention to include the above mentioned limitation, as taught by Alexander, for the advantage of tailoring the presentation and scheduling of advertisements to the viewer.

Considering claim 40, Akiyama, Reynolds, Blackketter, and Alexander disclose the claimed limitations. In particular, Akiyama discloses the system comprising a fourth memory storage (11) for storing television broadcast programs in digitized format for later recall and display – p. 17, lines 1-7.

Considering claim 42, Akiyama, Reynolds, Blackketter, and Alexander disclose the claimed limitations. In particular, Akiyama discloses the system wherein the manual input device is a remote control – p. 17, lines 5-7.

5. Claims 5-8, 10, and 44-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Reynolds, Blackketter, and Alexander as applied to claim 1 above, and further in view of Haas (US 2002/0063714).

Considering claim 5, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose displaying an on-screen query of optional modifications to the replacement

advertising segment, and rendering the modifications to the replacement advertising segment in response to the modifications selected by the viewer.

In an analogous art, Haas discloses that a menu is displayed for a user to modify the animated object displayed such that a user could interact with the object displayed on-screen of a television – paragraph [0112].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's system to include displaying an on-screen query of optional modifications to the replacement advertising segment, and rendering the modifications to the replacement advertising segment in response to the modifications selected by the viewer, as taught by Haas, for the advantage of allowing the user to interact with the object displayed on-screen of a television.

Considering claim 6, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose a method comprising storing the selected modifications and for subsequent receipt of the same replacement advertising segment, rendering the segment with the previously selected modifications.

In an analogous art, Haas discloses a method in which the displayed object could be modified and then saved for later retrieval – paragraph [0105].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's system to include a method comprising storing the selected modifications and for subsequent

receipt of the same replacement advertising segment, rendering the segment with the previously selected modifications, as taught by Haas, for the advantage of providing the user to retrieve the saved modifications later on.

Considering claim 7, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose a method wherein said modifications comprise color, component in displayed objects, viewing perspective, zoom, play-back speed, background audio sound track, and special effects.

In an analogous art, Haas discloses a method wherein said modifications comprise color (control buttons 43a-43e – Fig. 3, paragraph [0112]), component in displayed objects (Fig. 28a-28d, paragraph [0133]), viewing perspective, zoom (zoom in control button 41 & zoom out control button 42 – Fig. 3, paragraph [0112]), play-back speed (slider bar 58 – Fig. 3, paragraph [0112]), background audio sound track (paragraph [0103] & [0110]), and special effects (creating a 360 degree panoramic image 212 of the interior – Fig. 28a-28d, paragraph [0133]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's method to include modifications comprising color, component in displayed objects, viewing perspective, zoom, play-back speed, background audio sound track, and special effects, as taught by Haas, for the advantage of allowing the user to modify a displayed object to create an object desirable to the user and to allow interaction with the object on-screen.

Claim 8 contains the same limitations as claim 7 and is analyzed as previously discussed with that claim.

Considering claim 10, Akiyama, Reynolds, Blackketter, and Alexander disclose selection based on viewer profile (In particular, Akiyama discloses that a replacement advertisement segment is selected from among the plurality of replacement advertisement segments by referring to the individual profile. - p. 21, lines 11-13 & p. 26, lines 18-22). However, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose a method comprising of providing a plurality of audio accompaniments to the advertising segment, and selecting the audio accompaniment based on the viewer profile.

In an analogous art, Haas discloses that an audio track is selected from a plurality of audio tracks by the user to be played along with a displayed object - paragraph [0103] & [0110].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's system to include a user to select to play an audio track from a plurality of audio tracks, as taught by Haas, for the advantage of complimenting the displayed object.

Claims 44, 47, and 50 contain the limitations of claims 5, 6, and 37 are analyzed as previously discussed with respect to those claims.

As for claims 45, 48, and 51, Akiyama, Reynolds, Blackketter, Alexander, and Haas disclose the claimed limitations. In particular, Haas teaches wherein viewer interaction comprises applying a modification selected by the viewer to the replacement advertising segment – [0103] – [0112].

As for claims 46, 49, and 52, Akiyama, Reynolds, Blackketter, Alexander, and Haas disclose the claimed limitations. In particular, Haas teaches where viewer interaction occurs during the display of the animated video replacement advertising segment – [0103].

6. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama (CA 2387386), Reynolds, Blackketter, and Alexander in view of Beach (6,728,713).

Considering claim 15, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose a method comprising of augmenting the viewer preferences based on viewer's past selection of skipping through selected segments.

In an analogous art, Beach discloses that preference profiles are automatically adjusted based on the viewer's decision to skip a particular segment such that programming could be automatically selected based on the user's preferences – col. 17, lines 15-25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's system to include adjusting the viewer profile based on content that a viewer skips through, as taught by Beach, for the advantage of providing the user with programming which could be automatically selected based on the user's preferences.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama, Reynolds, Blackketter, and Alexander as applied to claim 11 above, and further in view of Haas (US 2002/0063714).

Considering claim 17, Reynolds teaches executable instruction sets and executable programming code. However, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose a method wherein the executable instruction sets for generating an advertising segment comprise executable programming code for rendering into an animated video segment by a client processor.

In an analogous art, Haas discloses a method wherein the data representing an advertising segment is in an instruction set for rendering into an animated video segment by a client processor such that the user could alter or change the images displayed – paragraph [0106].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's

method to include data representing an advertising segment is in an instruction set for rendering into an animated video segment by a client processor, as taught by Haas, for the advantage of allowing the user to alter or change the images displayed.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama, Reynolds, Blackketter, and Alexander's as applied to claim 16 above, and further in view of Plotnick (US 2005/0097599).

Considering claim 18, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose displaying an on-screen query of optional replacement segments, and selecting the desired replacement segments in response to the command received by the viewer.

In an analogous art, Plotnick discloses that ads are stored on a recording medium and retrieved when the user requests the ad through a direct selection on a menu - paragraph [0127].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's system to include displaying an on-screen query of optional replacement segments, and selecting the desired replacement segments in response to the command received by the viewer, as taught by Plotnick, for the advantage of allowing the user to choose a desired replacement segment.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama, Reynolds, Blackketter, and Alexander as applied to claim 37 above, and further in view of Pendakur (US 2003/0016673).

Considering claim 38, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose the system comprising a personal computer in communication with the multimedia controller.

In an analogous art, Pendakur discloses a personal computer coupled with a receiver (multimedia controller) to assist in receiving content and providing feedback – paragraph [0030].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's system to include a personal computer in communication with the multimedia controller, as taught by Pendakur, for the advantage of allowing the system to receive content and provide feedback.

10. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama, Reynolds, Blackketter, and Alexander as applied to claim 42 above, and further in view of Huang (6,437,836).

Considering claim 43, Akiyama, Reynolds, Blackketter, and Alexander fail to disclose the system wherein the remote control comprises a personal digital assistant

having an infrared transceiver for communication with the multimedia controller, said personal digital assistant having a configurable display on a touch sensitive screen, said configurable display being configured to correspond to the active selections available to a user for a given images on the video display monitor.

In an analogous art, Huang discloses a system wherein the remote control (Fig. 1A) comprises a personal digital assistant (Palm Pilot – Fig. 1, Palm Pilot 204 – Fig. 2) having an infrared transceiver (117 – IR Transmitter, col. 6, lines 10-15) for communication with the multimedia controller (microcontroller 202 – Fig. 2), said personal digital assistant having a configurable display on a touch sensitive screen (touch screen 218 – Fig. 2) said configurable display being configured to correspond to the active selections available to a user for a given images on the video display monitor (col. 5, lines 1-10, col. 6, lines 44-47, col. 7, lines 52- 57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Alexander's system to include a remote control comprising a personal digital assistant having an infrared transceiver for communication with the multimedia controller, said personal digital assistant having a configurable display on a touch sensitive screen, said configurable display being configured to correspond to the active selections available to a user for a given images on the video display monitor, as taught by Huang, for the advantage of avoiding the constraints associated with determining which particular buttons should be included in the design of a remote control, and which buttons should be left out.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SAC


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PRIMARY PATENT EXAMINER